

EXHIBIT 173

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RICHARD JAMES

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

JOHNSON & JOHNSON, et al,

Plaintiffs,

vs. NO. 07-CIV-7061

AMERICAN RED CROSS, et al,

Defendants.

VIDEOTAPED

DEPOSITION OF RICHARD JAMES

Taken on Behalf of the Plaintiffs

Friday, November 16, 2007

RICHARD JAMES

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James Exhibit 12?

A We actually took the mark, the design mark, with red and orange there, and posted it several places in public areas where all of our employees would see it, and say: Be on the look-out for this because if you do see something that looks like this, we need to know about it right away so that we can fix the problem.

Q Okay. And what color did First Aid Only start using for, I guess, the -- the quadrilaterals in the -- the mark that appears in James Exhibit 12?

A The three -- the three quadrilaterals were changed to blue, and J&J withdrew their -- their disagreement and their objection, and it was -- it went through.

Q Okay.

A With blue.

Q Right. So at the time you started license -- I'm sorry.

At the time you started discussions with The American Red Cross to develop American Red Cross-branded products, you were aware of the

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color limitations on the mark that appears in the last page of James Exhibit 12 that FAO had agreed to; right?

A Yeah.

Q Okay. And did the color limitations on that mark ever come up in connection with your discussions with people from The American Red Cross?

A No.

(Deposition Exhibit 14 marked for identification.)

BY MR. MILLER:

Q Let me show you what's been marked as James Exhibit 14, which is an e-mail bearing Bates numbers FAO6405 to 6410. And in particular, I direct you to the Jennifer Niyangoda e-mail that starts on FAO6407.

And do you see that that's an e-mail to you from Jennifer Niyangoda, dated October 18, 2006?

A Yes.

Q Okay. And in that e-mail, she's providing some comments on emergency preparedness packaging; correct?

A Yes.

EXHIBIT 174



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Typed Drawing

Word Mark WORLD PREP

Goods and Services IC 009. US 021 023 026 036 038. G & S: emergency and survival kit containing a knife, a multi-use utility tool, a whistle, a shovel, a rescue throw bag, a flashlight, gloves, a mirror, cyalume glow sticks, flags, toiletries kit, facial and toilet tissue, toilet seat covers, hand wash, cooking stoves, a cooking pot, matches, water, tents, camping pads, space blankets, a backpack, a radio, towels, portable water jug, rubber boot liners, automatic camera, gas/water shut off tool, folding saw, food bars, first aid kit, reflective vests, safety goggles, utility cord, compass, playing cards, purification tablets, dunk bag, memo pad with pen, rain ponchos, and a fire starter kit. FIRST USE: 20000914. FIRST USE IN COMMERCE: 20000914

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75897929

Filing Date January 18, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition August 29, 2000

Registration Number 2468519

Registration Date July 10, 2001

Owner (REGISTRANT) World Prep, Inc. CORPORATION OHIO 2620-T Centennial Road Toledo OHIO 43617

Attorney of Record David C. Purdue

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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HOME GUARD READY
KIT

Word Mark	HOME GUARD READY KIT
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Personal emergency kit consisting of radios, safety whistles, first aid kits, thermal blanket, poncho, water bag, gloves, food bars and respiratory masks. FIRST USE: 20040531. FIRST USE IN COMMERCE: 20040531
	IC 019. US 001 012 033 050. G & S: Non-metallic building materials, namely, plastic barriers for containment of environmentally unfriendly substances. FIRST USE: 20040531. FIRST USE IN COMMERCE: 20040531
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78519028
Filing Date	November 18, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 21, 2006
Registration Number	3252305
Registration Date	June 12, 2007
Owner	(REGISTRANT) Home Guard Inc. CORPORATION NORTH CAROLINA 15947 Jetton Road Cornelius NORTH CAROLINA 28031

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(LAST LISTED OWNER) READY SOLUTIONS, INC. CORPORATION NORTH CAROLINA PO
BOX 1333 CORNELIUS NORTH CAROLINA 28031

**Assignment
Recorded**

ASSIGNMENT RECORDED

**Attorney of
Record**

William P. Bray

**Prior
Registrations**

2919609

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOME" or "READY KIT" APART
FROM THE MARK AS SHOWN

Type of Mark

TRADEMARK

Register

PRINCIPAL

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Typed Drawing

Word Mark	FIELD & STREAM
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Emergency survival kit comprised of flashlight, compass, whistle, sharpening stone, purified water, multitool, chemical handwarmer, food bars, survival knife, fingertip saw, emergency blanket, fuel tabs, utility cord, poncho, sold as a unit. FIRST USE: 19990608. FIRST USE IN COMMERCE: 19990608
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75741805
Filing Date	July 1, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 18, 2000
Registration Number	2699077
Registration Date	March 25, 2003
Owner	(REGISTRANT) FIELD & STREAM LICENSES COMPANY CORPORATION MINNESOTA 14 LORING ROAD HOPKINS MINNESOTA 55305
	(LAST LISTED OWNER) FIELD & STREAM LICENSES COMPANY, LLC LTD LIAB CO DELAWARE 35 CHARCOAL HILL ROAD WESTPORT CONNECTICUT 06880
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JEROME V LAVIN
Prior Registrations	1360646;1485311;1687750;1837504;2203350;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL

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Typed Drawing

Word Mark AMERICAN SURVIVALIST

Goods and Services IC 009. US 021 023 026 036 038. G & S: Emergency safety, first aid, safety, natural disaster and vehicle maintenance kits, all packaged as a unit, comprising a container holding the following products or combinations thereto, namely, accident report forms, aerosol tire inflator/sealer, battery booster cables, bottled water, bungee cord, cameras, candles, chamois cloths, cotton gloves, distress signs made of paper or plastic, distress flags, driver touring manual, elastic cords, electrical tape, emergency food, facial tissues, fender pads, fire extinguishers, first-aid guide booklets, first aid kit, first-aid supplies, flashlights, flashlight batteries, flat-tire fixer, gasoline siphons, hand cleaner, hand tools, heavy duty reflective triangle, highway flares, highway safety triangles, ice scrapers, ink pens, jumper cables, key safes, latex gloves, pencils, maps, matches, rain ponchos, rain slickers, repair tape, repair wire, road safety flares, safety flags, safety flares, safety vest, shop towel, tape, thermal space blankets, tie-down straps, tire sealant for the repair of flat tires, towel, wash-up towelettes, water bag knives. FIRST USE: 20000801. FIRST USE IN COMMERCE: 20000901

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76027875

Filing Date April 17, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Supplemental Register Date November 7, 2001

Registration Number 2641220

Registration Date October 22, 2002

Owner (REGISTRANT) G.S.R. and Associates Inc. CORPORATION CALIFORNIA 1300 Peppercorn Avenue Henderson NEVADA 89012

Attorney of Record GORDON E R TROY

Prior Registrations 2472523

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Type of Mark TRADEMARK
Register SUPPLEMENTAL
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